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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210550
Party	Plaintiff Truveris, Inc.
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Submission	Answer to Counterclaim
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Date	07/22/2013
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TRUVERIS, INC.)	
)	
Opposer,)	Opposition No.: 91210550
)	
v.)	Application Serial No.: 85641227
)	
TRUVEN HEALTH ANALYTICS,)	Mark: TRUVEN HEALTH ANALYTICS
INC.)	
)	
Applicant.)	

ANSWER TO COUNTERCLAIMS

Opposer, Truveris, Inc. (“Opposer”) denies that Applicant Truven Health Analytics, Inc.’s (“Applicant”) will be damaged by Opposer’s trademark registrations and responds to Applicant’s counterclaims accordingly:

1. ANSWER TO PARAGRAPH 50: Opposer denies the allegations in paragraph 50 of Applicant’s Counterclaims.
2. ANSWER TO PARAGRAPH 51: Opposer states that paragraph 51 contains no allegations to which any responsive pleading is required, but to the extent any response is required, Opposer denies each and every remaining allegation of paragraph 51.
3. ANSWER TO PARAGRAPH 52: Opposer states that paragraph 52 contains no allegations to which any responsive pleading is required, but to the extent any response is required, Opposer denies each and every remaining allegation of paragraph 52.

4. ANSWER TO PARAGRAPH 53: Opposer denies the allegations in paragraph 53 of Applicant's Counterclaims.

5. ANSWER TO PARAGRAPH 54: Opposer states that paragraph 54 contains no allegations to which any responsive pleading is required, but to the extent any response is required, Opposer denies each and every remaining allegation of paragraph 54.

6. ANSWER TO PARAGRAPH 55: Opposer states that paragraph 55 contains no allegations to which any responsive pleading is required, but to the extent any response is required, Opposer denies each and every remaining allegation of paragraph 55.

FIRST AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

7. Applicant's claims are barred by the doctrine of laches.

SECOND AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

8. Applicant's claims are barred by the doctrine of acquiescence.

THIRD AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

9. Applicant's claims are barred by the doctrine of estoppel.

FOURTH AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

10. Applicant's claims are barred by the doctrine of unclean hands.

FIFTH AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

11. Opposer's mark TRUBID (Registration No. 4237274) is distinctive and protectable.

SIXTH AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

12. Opposer's mark TRUBID (Registration No. 4237274) is not merely descriptive.

SEVENTH AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

13. Registration of Opposer's mark TRUBID (Registration No. 4237274) is prima facie evidence of validity, distinctiveness and protectability.

EIGHTH AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

14. Opposer's mark TRUGUARD (Registration No.4237275) is distinctive and protectable.

NINTH AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

15. Opposer's mark TRUGUARD (Registration No.4237275) is not merely descriptive.

TENTH AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

16. Registration of Opposer's mark TRUGUARD (Registration No.4237275) is prima facie evidence of validity, distinctiveness and protectability.

ELEVENTH AFFIRMATIVE DEFENSE TO APPLICANT'S COUNTERCLAIMS

17. Opposer reserves the right to amend its answer to the counterclaims to add additional or other affirmative defenses as may become necessary after a reasonable opportunity for appropriate discovery.

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WHEREFORE, OPPOSER requests that Applicant's counterclaims be denied and such other relief as may be just and equitable.

Respectfully submitted for
Opposer Truveris, Inc.

By: /Matthew C. Wagner/
Matthew C. Wagner
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Date: July 22, 2013

CERTIFICATE OF SERVICE AND FILING

I, Matthew C. Wagner, hereby certify that on July 22, 2013 this Answer to Applicant's Counterclaims is being filed through the electronic system for the Trademark Trial and Appeal Board of the United States Patent and Trademark Office, and that a copy is being served via U.S. mail on Applicant's attorney of record, at the following address:

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/Matthew C. Wagner/
Matthew C. Wagner